

Notice of Allowability

Application No.

10/780,000

Examiner

Andre' L. Jackson

Applicant(s)

SALICE, LUCIANO

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment filed on November 17, 2006.
2. ☒ The allowed claim(s) is/are 3,4,7,9-11,13-15, 17 and 19 renumbered as claims 1-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to disclose or render obvious the specific structure of applicant's invention as set forth in claim 3 in particular. Here, applicant recites a damping device including a pivot lever having a portion housed within a housing in which the a furniture or cabinet structure moves the lever by contact and further including a two stage gear means with a speed ratio imposed on a first rotation damper. The portion of the lever held in the housing includes a toothed segment concentrically defining a bearing axis, the lever is attached to a journal of a second rotation damper held in the housing. The toothed segment intermeshing with a pinion disposed within the housing, the pinion interacts with a toothed wheel of the first rotation damper. The pinion comprises two toothed segments, one segment defines a smaller radius than the other segment which defines a larger radius, where the smaller radius segment intermeshes with the toothed segment of the lever and the larger radius segment intermeshes with the toothed wheel of the first rotation damper.

None of the prior art references used singly or in combination discloses or suggest the specific structural arrangement or the combination of structural limitations pertaining to the pinion of Salice as set forth above.

Lautenschlaeger et al is considered the closest prior art reference. Lautenschlaeger et al discloses a damping device including a housing structured and arranged to be fastened to a fixed wall part, a plunger is slidably guided in the housing, wherein the plunger is arranged to be slid to its closing region by a furniture part and means for damping a closing movement comprising

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at least a two stage gear means having a speed ratio and impinging on a rotation damper. Further, Lautenschlaeger et al explains that the plunger carries a toothed gear segment concentrically to its bearing axis, wherein the toothed gear segment intermeshes with a pinion within the housing, where the pinion interacts with a toothed wheel attached to a journal of the rotation damper. However, Lautenschlaeger et al does not specifically disclose or suggest a pinion comprises two toothed segments, one segment defines a smaller radius than the other segment which defines a larger radius, where the smaller radius segment intermeshes with the toothed segment of the lever and the larger radius segment intermeshes with the toothed wheel of the first rotation damper. Nor does any other prior art reference cure the deficiencies of Lautenschlaeger et al. Therefore, the Examiner believes applicant's claims are patentably distinct from the prior art made of record.

CONCLUSION

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER